



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 05 2019

REPLY TO THE ATTENTION OF

ECW-15J

**CERTIFIED MAIL 7018 3090 0002 2526 9802**  
**RETURN RECEIPT REQUESTED**

Jeffrey Staats  
7997 Crile Road  
Concord Township, Ohio 44077

Subject: Information Request  
Issued Pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a)

Dear Mr. Staats:

The U.S. Environmental Protection Agency is requiring Reliance Business Park, Inc. (Reliance or you) to submit certain information about the facility located at 4200 Benefit Avenue, Ashtabula, Ohio. The enclosed Information Request specifies the information that you must submit.

EPA is authorized under Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), to require reports and other information necessary to carry out the purpose of the CWA. Accordingly, pursuant to Section 308(a) of the CWA, you are directed to provide EPA with the information requested in the enclosure.

In accordance with Paragraph 28 of the enclosed Information Request, you must include with your response a statement certifying that all information you submit is true and accurate to the best of your knowledge and belief using the certification language provided in that paragraph. Please exercise care to assure that responses are complete and accurate because Section 309(c)(2) of the CWA, 33 U.S.C. § 1319(c)(2), imposes criminal penalties where false information is knowingly provided to EPA.

Submit your responses within the timeframes specified in the enclosed Information Request to:

Water Enforcement and Compliance Assurance Branch (ECW-15J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Attention: Molly Smith

Thank you for your cooperation in this matter. Should you have any questions, please contact Molly Smith of my staff at (312) 353-8773 or by e-mail at [smith.molly@epa.gov](mailto:smith.molly@epa.gov). All legal questions can be directed to John Steketee, Associate Regional Counsel at (312) 886-0558 or by e-mail at [steketee.john@epa.gov](mailto:steketee.john@epa.gov).

Sincerely,



*for* Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division  
EPA Region 5

Enclosure: Information Request

cc: John P. Liekar, Jr., Esq., VP Legal, CentiMark Corporation  
ecc: Kurt Princic, Ohio EPA  
Dean Stoll, Ohio EPA  
Richard Blasick, Ohio EPA  
Virginia Wilson, Ohio EPA  
Archie Lunsey, Ohio EPA  
Tiffani Kavalec, Ohio EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

Reliance Business Park, Inc.  
4200 Benefit Avenue  
Ashtabula, OH 44004

)  
)  
) Proceeding under Section 308(a) of  
) the Clean Water Act, as amended,  
) 33 U.S.C. § 1318(a)  
)  
)  
)

INFORMATION REQUEST

**I. STATUTORY AUTHORITY**

1. The U.S. Environmental Protection Agency (EPA) is issuing this Information Request to Reliance Business Park, Inc. ("Reliance"), pursuant to the authority vested in the Administrator of EPA by Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 5, who has re-delegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 5.
2. Section 308(a) of the Act, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out the objective of this chapter, the Administrator of EPA shall require the owner or operator of any point source to: establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and provide such other information as he may reasonably require.

**II. INSTRUCTIONS**

3. You must complete each of the requests and submit the required and appropriate documentation specified in this Information Request according to the schedule specified below.
4. You must respond separately to each of the numbered paragraphs in Section IV below. Precede each answer with the paragraph number to which it corresponds. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the paragraph number to which it corresponds.
5. Submission instructions are in Section V of this Information Request.

6. You must keep all Records reviewed or generated in the course of responding to this Information Request until EPA informs you in writing that you are no longer required to keep the Records, or for five years, whichever is sooner.

### III. DEFINITIONS

All terms used in this information request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. 1251 *et seq.*, or 40 C.F.R. Part 122.

7. "Day" or "days" means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
8. "Municipal separate storm sewer system" or "MS4" is defined at 40 C.F.R § 122.26(b)(8) and includes:  
a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city...or other public body (created by or pursuant to State law) having jurisdiction over disposal of ... storm water ....
9. "Record" or "records" means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
10. "Storm water" shall mean storm water runoff, snow melt runoff, surface runoff and drainage.
11. "Site" means the property located at 4200 Benefit Avenue, Ashtabula, Ohio.
12. "Wastewater" shall mean any water/liquid and all material conveyed with that water/liquid that contains Process Wastewater, discarded material, noncontact cooling and/or heating water, or Domestic Wastewater.
13. "You" or "Your" for purposes of this Information Request refers to Reliance and to any managers, officers, agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of Reliance.

### IV. REQUESTS

Pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a), submit the information responsive to paragraphs 14-25 within the specified timeframes.

## **Background Site Information**

14. Within 60 days of receipt of this Information Request, submit the following information:
  - a. A description of Site ownership history (to the extent of your knowledge), including the current owner, prior owners, and any environmental assessments conducted that you are aware of.
  - b. Current or expired environmental permits that the Site was ever issued.
  - c. A Site floor plan/diagram that clearly notes the following:
    - i. Locations of all processes or equipment whether currently operational or not;
    - ii. Locations where contaminants could enter the flow of wastewater/storm water at the Site (e.g., floor drains, sumps, trenches etc.);
    - iii. Locations at the Site where all materials containing polychlorinated biphenyls (PCBs) are stored, used, cleaned, or loaded/unloaded (including wastes); and
    - iv. Location/identification of engineering controls (e.g., secondary containment structures) that would contain, or otherwise prevent, materials containing PCBs from entering the Site's wastewater/storm water system.
  - d. A diagram showing all storm water and wastewater conveyances on the Site including catch basins, manholes, and direction of flow, if known. Include an identification of each point of connection between the Site and the City of Ashtabula, Ohio MS4.

## **Filter Installation and Sediment Analysis**

15. Within 14 days of receipt of this Information Request, submit to EPA for review, comment, and approval, a work plan for the filter installation, operation, and sediment analysis required by paragraphs 16-18. The work plan shall describe how you plan to execute all steps of the filter process, and must include the following:
  - a. Indicate the type of filter to be installed;
  - b. Filter dimensions;
  - c. Specific location of filter installation (using a diagram if necessary);
  - d. Means of filter access and changeout methods;
  - e. Operation and maintenance protocols; and
  - f. Quality Assurance Project Plan (QAPP) (See also paragraph 22).
16. Within 30 days of EPA approval of the work plan, install a 1-micron filter in the sewer that conveys storm water from the Site to the catch basin (catch basin A) located just west of the 1408 West 38<sup>th</sup> Street residential property. The filter must capture all sediment from the Site's storm water flow prior to entering the City storm sewer on 38<sup>th</sup> Street.

17. Beginning 30 days after filter installation, and every month thereafter for a duration of 6 months, sediment samples shall be collected/analyzed for PCBs. Results shall be submitted according to Section V of this Information Request within 30 days of each month's sample collection. If, during any month, there is insufficient sediment to sample/analyze, describe the situation in writing.
18. Reliance shall be responsible for all operation and maintenance, including costs, associated with the filter. Maintenance shall include, at a minimum, the replacement of any equipment and cleaning on a specified schedule from the manufacturer's maintenance manual, if applicable.
19. Reliance shall keep an event log to include the following information, and submit the log on the same monthly schedule as the analytical results required by paragraph 17:
  - a. Each Site activity, both interior and exterior, that resulted in a spill, including the spill location, time of spill, volume of spill, contents (e.g. product name), proximity to floor drains or other stormwater conveyances, and time of corrective action taken;
  - b. Any reason the filter failed or was not collecting sediment (date, time, duration, and reason) along with any corrective actions taken,
  - c. Any possible interferences observed such as nearby construction, demolition, or earth disturbance; and
  - d. Observations of any cleaning, maintenance, or sampling by other parties of the municipal sewer on 38<sup>th</sup> Street.

#### **Catch Basin/Manhole Inspection and Sediment Analysis**

20. Within 30 days of receipt of this Information Request, conduct one visual inspection of each catch basin and manhole on the Site, noting breaks, gaps and any blockages found, and submit documentation of the inspections to EPA. Documentation shall include:
  - a. A figure/diagram identifying each exterior catch basin or manhole that indicates the direction of entry and exit of the corresponding storm/sanitary lines encountered;
  - b. Description of the presence/absence of accumulated sediment in each catch basin or manhole; and
  - c. Photographs showing the inside of each catch basin or manhole.
21. For sediments identified during the visual inspections required by paragraph 20, Reliance shall collect and analyze representative sediment samples for PCBs from each catch basin/manhole.
  - a. For sample collection, remove all sediment from each catch basin/manhole. If the amount of sediment in the catch basin/manhole exceeds one gallon, collect representative grab samples totaling one gallon.

- b. All samples are to be homogenized and have rocks and debris removed prior to sediment being transferred to a sample jar for analysis.
- c. Submit analytical results within 30 days of sample collection.

### Other Requirements

- 22. At least 14 days prior to sediment sample collection, you must submit to EPA for review and comment, a Quality Assurance Project Plan (QAPP) to address both filter and catch basin/manhole sampling, in accordance with relevant portions of March 2001 *EPA Requirements for Quality Assurance Project Plans* ([https://www.epa.gov/sites/production/files/2016-06/documents/r5-final\\_0.pdf](https://www.epa.gov/sites/production/files/2016-06/documents/r5-final_0.pdf)) and December 2002 *Guidance for Quality Assurance Project Plans* (<https://www.epa.gov/sites/production/files/2015-06/documents/g5-final.pdf>).
- 23. You must use an accredited laboratory for all sample analysis submitted under this request. Sample analysis must be in accordance with USEPA SW-846 Method 8082, and the analysis must be conducted for all Aroclors listed in Method 8082. All analytical results submitted under this Information Request must include chain of custody forms.
- 24. All PCB laden sediment, equipment, PPE, or other PCB waste generated must be sent off-site for disposal using a Hazardous Waste Manifest. A copy of the waste manifest must be provided to EPA. Any PCB waste stored on-site beyond 30 days must be placed in a storage area that meets the requirements set forth at 40 C.F.R § 761.65(a).
- 25. If Reliance plans to use contractors to perform any of the sampling requirements listed above, you must notify EPA via e-mail prior to beginning work.

### V. SUBMITTALS

- 26. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order shall be submitted to the following people and, to the extent possible, by electronic mail in final and searchable format (e.g. pdf OCR-readable), unless otherwise specified herein, or, if electronic submittal is not possible, by certified mail (return receipt requested).
- 27. All information submitted electronically to EPA must be sent to the following addresses until otherwise notified by EPA: [r5weca@epa.gov](mailto:r5weca@epa.gov), [smith.molly@epa.gov](mailto:smith.molly@epa.gov), [zolnierczyk.kenneth@epa.gov](mailto:zolnierczyk.kenneth@epa.gov), and [steketee.john@epa.gov](mailto:steketee.john@epa.gov). The subject line of the electronic mail correspondence must include the facility name and the name of the deliverable. Until otherwise notified by EPA, all mailed correspondence must be sent to:

Water Enforcement and Compliance Assurance Branch (ECW-15J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
Attention: Molly Smith

28. You must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

29. If you find at any time after submitting information to EPA that any portion of the submittal is false or incorrect, you must notify EPA immediately. Knowing submission of false information to EPA in response to this Information Request may subject you to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), and 18 U.S.C. §§ 1001 and 1341.
30. You may not withhold information because you claim it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Information Request, as provided in 40 C.F.R. § 2.302(a)(2). The regulations provide that a person may assert a business confidentiality claim covering part or all of the information furnished to EPA when that person submits the information. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Effluent data (as defined in 40 C.F.R. § 2.302(A)(2)) and information in NPDES permit applications is not entitled to confidential treatment. 40 C.F.R. § 122.7. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If you do not assert a claim of business confidentiality when you submit the information, EPA may make the information available to the public without further notice.
31. This Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.
32. EPA may use the information submitted in response to this Information Request in an administrative, civil or criminal action.
33. Neither the issuance of this Information Request by EPA nor your compliance with this Information Request relieves you of liability for any penalty, fine, remedy or sanction authorized to be imposed pursuant to Section 309(b), (c), (d), or (g) of the CWA, 33



U.S.C. § 1319(b), (c), (d), or (g), including but not limited to those related to any violations addressed by this Information Request. EPA specifically reserves the right to seek any of the remedies specified in Section 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d), or (g).

34. There can be significant civil or criminal penalties for failing to adequately respond to requests for information issued under the Section 308(a) of the CWA, 33 U.S.C. § 1318(a).
35. If you have any questions about this Information Request, contact Molly Smith of the Water Enforcement and Compliance Assurance Branch at (312) 353-8773 or via email at [smith.molly@epa.gov](mailto:smith.molly@epa.gov).

Sara Brunen

11-5-19

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division  
EPA Region 5

Date